

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2017 FEB -6 PM 3:57

STEPHAN HARRIS, CLERK
CHEYENNE

United States District Court

District of Wyoming

Rogelio Rodriguez Jr

Plaintiff(s)

(In the space above enter the full name(s) of the plaintiff(s). If you cannot fit the names of all of the plaintiffs in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names),

v. (-against-)

Park County Detention Center
Deputy Harris

Defendant(s)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

Case No. 17-cv-23 SWS

(To be filled out by Clerk's

Office only)

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☐ 42 U.S.C. § 1983 (*state, county, or municipal defendants*)
- ☐ *Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)*

PLAINTIFF INFORMATION

Rodriguez Rogelio Jr
Name (Last, First, MI)

Aliases

Prisoner ID #

Park County Detention Center
Place of Detention

Institutional Address

Park County Cody Wyoming 82414
County, City State Zip Code

PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☒ *Pretrial detainee*
- ☐ *Civilly committed detainee*
- ☐ *Immigration detainee*
- ☐ *Convicted and sentenced state prisoner*
- ☐ *Convicted and sentenced federal prisoner*

DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper using the same format for any additional defendants.

Defendant 1: Park County Detention Center
Name (Last, First)
Detention Center
Current Job Title
1402 River View Dr
Current Work Address
Park County Cody Wyoming 82414
County, City State Zip Code

Defendant 2: Deputy Harris
Name (Last, First)

Sargent at Park County Detention

Current Job Title

Park County Detention Center

Current Work Address

Park County Cody Wyoming 82414

County, City

State

Zip Code

Defendant 3:

Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

STATEMENT OF CLAIM ONE

Place(s) of occurrence: Park County Detention Center

Date(s) of occurrence: January 30th 2017 Civil rights Violated

State which of your federal constitutional or federal statutory rights have been violated:
grievance process, discriminate

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you

FACTS:

What happened to you?

I wrote a greivance january 11th towards Deputy Harris for threatening and Harrasment January 30th Deputy Harris came to Dpod to inform me that she has shredded the greivance I wrote january 11th stating she did not do it on puppus. I dont know what is going on but from what I understand they are not supposed to "SHRED" greivances mine did along with others I wrote I think this is very unprofesional and disrespectfull and careless of a "Sargent" in a Detention center im equal to evry inmate here dont understand why my griveance are diferent

Who did what?

Deputy Harris Shreds january 11th and other greivances I wrote.

never got to appeal, Deputy takes the liberty to check or ex out void the appeal.

Was anyone else involved?

I wrote a grievance on Deputy Harris for shredding my grievance I hope that one dose not get shredded as well I dont know what else to do every issue I have grieved has been a greivable issue I am going through the proper remedies provided here either I get no resolution, no anser, or they get shredded. I'm tired of this unprofesionalism, disrespect, carelessness, discrimination, I feel there is alot of political abuse of power from Deputy Sargent Harris and no acantability for actions.

STATEMENT OF CLAIM TWO

Place(s) of occurrence: Park County Detention Center

Date(s) of occurrence: January 10th civil right locker request

State which of your federal constitutional or federal statutory rights have been violated:

property lost

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

What happened to you?

on January 10th I wrote grievance towards Deputy Harris not bringing me locker request I terms following day January 11th Deputy Harris and Deputy Randal came to D pod telling me the I terms my sister Marisol Rodriguez were lost from locker a brand new pack of Briefs stating there was an empty pack of Briefs and a open brand new pack of socks with two pair missing I never got till this day I havent got them or remburst. later Deputy Harris brings me Boxers stating she has found them I immediatley told her the Boxers arnt mine because my sister told me she brought "Briefs" she insisted I take the Boxers leaving me no choice, I felt wrong taking the Boxers so I wrote multiple request and greivance that I wanted to give them back because I felt pushed to take something that is not mine never

Pro Se Civil Rights Complaint

page 7 of 13 got an answer or the I terms remburst

Who did what?

Deputy Harris manipulated to takeing Boxers that dont belong to me.

Deputy Harris wont anser request or greivance about the issue shredding the documents.

Deputy Harris pawns the issue to Dputy Dunman that recived the Items at visit from my sister.

I just want the stuff my sister payed for and brought to me all Items are still missing no resolution just Deputies passing the Hot potato to each other.

Was anyone else involved?

Deputy Randal
Deputy Dunman
My sister Marisol Rodriguez 307-254-2409
if any questions

[Attach additional sheets of paper using the same format for additional claims.]

ADMINISTRATIVE PROCEDURES

PLEASE NOTE: Prisoners **must exhaust** administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Exhaustion of Administrative Remedies as to Claim One

- (a) Is there a grievance procedure at your institution? ☒ Yes ☐ No
- (b) Have you filed a grievance about the facts in claim one? ☒ Yes ☐ No

(If you did not file a grievance, skip to d.)

(c) If your answer is YES:

1. Was the grievance: Informal ☐ Formal ☒ Both ☐

2. What was the result? none

3. Did you appeal? ☐ Yes ☒ No

4. If you did appeal, what was the result? my grievances have been getting void or shredded

(d) If your answer is NO, explain why you did not file a grievance: grievances have been getting void or shredded

Exhaustion of Administrative Remedies as to Claim Two

- (a) Is there a grievance procedure at your institution? ☒ Yes ☐ No
- (b) Have you filed a grievance about the facts in claim one? ☒ Yes ☐ No

(If you did not file a grievance, skip to d.)

(c) If your answer is YES:

1. Was the grievance: Informal ☐ Formal ☒ Both ☐

2. What was the result? none

3. Did you appeal? ☐ Yes ☒ No

4. If you did appeal, what was the result? my greivance got shredded

(d) If your answer is NO, explain why you did not file a grievance: greivance got shredded

[Attach additional sheets of paper using the same format for additional claims.]

RELIEF

State briefly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

I want justice, compensation, apalogies, no more and no less

PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a ☒ Yes ☐ No prisoner?

If yes, how many? 2

Number each different lawsuit below and include the following:

Name of case (including defendants' names), court, and docket number

Nature of claim made

How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus Case No 17-cv-004-S dismissed with out prejudice.
Petition Complaint by a prisoner for Violation of Civil Rights still pending related issue

PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the

cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the facts in this complaint are true to the best of my knowledge, information and belief. I understand if this certification is not correct, I may be sanctioned by the Court.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

January 30 2017
Dated

Rogelio Rodriguez Jr
Plaintiff's Signature

Rodriguez Rogelio Jr
Plaintiff's Printed Name (Last, First, MI)

Plaintiff's Prison Identification #

Park County Detention Center Cody Wyoming 82414
Prison Address City State Zip Code

CERTIFICATION OF MAILING

I declare under penalty of perjury this Complaint was placed in the institutional mailing system or deposited with prison officials on the January 30 2017 (month, day, year). I attest first-class postage has been prepaid.

Executed (signed) on January 30 2017. (date)


Signature of plaintiff

Rogelio Rodriguez Jr
1402 River View Dr
Cody, WY 82414

LEGAL
MAIL

Clerk, United States District Court
2120 Capitol Ave, Room 2131
CHEYENNE, WY 82001

FOREVER



INDIGENT
ADD Please
Postage

LETTER
MAY 14 2017



LEE
Park County Detention Center
1402
Cody, WY 82414
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MAIL

INDIGENT

